



SOUTHWEST AIRLINES CO.

John Andrus
Corporate Safety

P.O. Box 36611
Dallas, Texas 75235-1611
(214) 792-6201
Facsimile: (214) 792-4086

September 8, 2003

Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 Seventh Street, SW
Washington, DC 20591

Re: Notice of Proposed Rulemaking
Docket No. FAA-2003-15085- Hazardous Materials Training Requirements

Southwest Airlines (Southwest) appreciates the opportunity to provide comment to the Federal Aviation Administration's May 8, 2003 Notice of Proposed Rulemaking regarding Hazardous Materials Training Requirements. The Air Transport Association (ATA) is also submitting comments on behalf of its member carriers, and Southwest endorses those comments.

Southwest is characterized as a "will carry" carrier – we transport just a limited number of Hazardous Materials as Company Materials (COMAT). Subject to the regulatory exceptions, Southwest does not accept Hazardous Materials from external customers. With that in mind, Southwest submits this letter of comment with respect to several key areas of the Proposed Rule.

TRAINING:

Appendix N of the Proposed Rulemaking outlines required training by general job classifications and establishes a "minimum content" for each training module. This approach does not take into account differences in job-related tasks among carriers and does not allow for the function-specific provisions currently allowed in the Hazardous Materials Regulations (HMR). In order to provide relevant information to employees, we support function-specific training that is commensurate with an employee's job duties relating to a specific job function. By adding modules or content that are not applicable to the employee, we dilute the effectiveness of the training that pertains to the employee's responsibilities and confuse and distract the employee from his or her functional role in the hazardous materials transportation process.

Under the current approval process, the FAA reviews and approves Southwest's Hazardous Materials training programs which are written closely in line with the National Guidelines put forth in the FAA Advisory Circulars. We see this approach, similar to the Advanced Qualification Program (AQP) approach used in other areas of Title 14, as a means of meeting the regulatory requirements while acknowledging differences in carrier operational procedures.

The preamble and training record sections of the Proposed Rule refer to FAA approval of a carrier's training time requirements and uses the term "ample time" to ensure that all areas are covered. We wholeheartedly agree that "ample time" must be allowed to train information commensurate to an employee's job function. We are concerned that establishing a time requirement per module will result in focus on quantity of material instead of the quality of the material. Simply adding more time to an issue can actually distract from an employee's retention of the primary objectives of the module.

This training approach (not commensurate to an employee's job function within a job classification) outlined in Appendix N will drastically increase training time and training cost, mostly for the sake of providing information that may well be extraneous to the employee's job duties. Carriers should be allowed the flexibility and economy attendant to tailoring their respective training programs to the aspects of Hazmat regulations that are pertinent to the employee's job duties.

While the module content and grid matrix of Appendix N make it difficult to estimate the actual cost of training, the analysis conducted by each of Southwest's operating departments impacted by the Proposed Rule reflects that, as written, the Proposed Rule will increase Southwest's training costs in excess of \$45 million over the ensuing 10 year period. This estimate does not incorporate course development costs or indirect costs associated with the training (*e.g.*, travel, lodging, per diem, overtime). Incorporating these indirect expenses associated with the training, the estimated cost to Southwest alone will exceed the estimated \$107.5 million identified as the cost to the entire air transportation industry in the cost benefit analysis of the Proposed Rule.

RECORDKEEPING

The Proposed Rule adds several requirements to the recordkeeping process that pose challenges to the way Southwest documents training records in several departments.

The requirement to provide a signature and/or a certification with signature within a training record eliminates utilization of centralized computer recordkeeping data systems that are an integral part of our operations. These data systems allow an employee's record to be available independent of work location. The FAA has historically allowed for computerized record systems (14 CFR 121.683). The Proposed Rule all but eliminates the use of these systems.

The FAR121.804(c)(3) and (4) recordkeeping requirements are both burdensome and redundant. Records today are typically kept in an FAA approved computerized recordkeeping

system which contains the date of training, type of training, and the identification of the instructor who certified the record. As all FAA hazardous materials training curriculum approvals contain the course description, subject matter details, and the name and business address of the organization providing the training, it is unreasonable to require duplication of this information in each persons training record.

For many Southwest operating departments, the Hazardous Materials training curriculum is inbedded within an overall larger course that is ultimately documented under a single course description. Recordkeeping requirements should allow for this type of documentation.

CONSTRUCTIVE KNOWLEDGE:

The issue of constructive knowledge arises in the Proposed Rulemaking, but absent any boundaries on the issue of baggage that “may contain” or that “show signs of containing” undeclared hazardous materials. While the use of trigger lists or hidden shipment indicators is a common practice in the industry, the ambiguous nature of “constructive knowledge” prohibits Carriers from providing additional training on this matter until the term is clearly defined.

REPAIR STATIONS

Southwest supports and maintains effective communication with its repair stations regarding our limited “will carry” status and our policies regarding Hazardous Materials. However, to require each repair station to be trained under the individual carrier’s approved program misdirects the training burden onto the carrier and away from the shipper, who is already independently subject to the training requirements of the HMR.

The requirement to ensure that each repair station performing work on the certificate holder’s behalf is notified in writing is obtainable and objective. The requirement to ensure that the repair station is “aware of” the certificate holder’s policies and procedures is a subjective requirement that cannot be verified by the carrier.

Conclusion

Southwest supports Hazardous Materials training commensurate to an employee’s job function.

The Proposed Rule imposes a “one-size fit all” approach to job classifications that differ amongst airlines and does not take into consideration different roles an employee may have within a job classification. The Proposed Rule imposes requirements that will significantly increase carrier costs without the benefit of the training being necessarily relevant to the Employee.

The requirements place an undue burden in recordkeeping that will force carriers to regress to a noncomputerized recordkeeping system for signatures and additional information that provide no additional benefit to Hazardous Materials Transportation Safety.

In regards to repair stations, the Proposed Rule places a subjective requirement on the Carrier while failing to acknowledge that repair stations are already subject to the HMR.

We appreciate your consideration of these comments.

Yours Truly,

A handwritten signature in black ink, appearing to read 'JA', with a stylized flourish extending from the end.

John Andrus
Manager, Safety and Transportation
Procedures